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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/059,670	04/13/1998	HIROKI OKA	450100-4392	8798

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EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT	PAPER NUMBER
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2612

15

DATE MAILED: 06/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PRG

Office Action Summary

Application No.
09/059,670

Applicant(s)
Oka et al.

Examiner
Luong Nguyen

Art Unit
2612



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 14, 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above, claim(s) 31-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

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DETAILED ACTION

1. Claims 31-33 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 12.

Response to Arguments

2. Applicant's arguments filed on 3/14/2002 have been fully considered but they are not persuasive.

In re pages 2-3, Applicants argue that Applicants are unable to locate in Hawthorne any discussion of generating a display-ready video signal, especially as reproduced from a recording medium.

In response, regarding claim 1, the Examiner considers that Hawthorne disclose the camcorder 22 pickup an image and then transmit via cable 18 to display on viewfinder 42 (a portion of head set unit 16), (figure 1, column 4, lines 1-25). And the camera operator see the recorded scenes viewed by the video camera (camcorder, see abstract). It clearly shows that camcorder 22 inherently includes a video signal generating means for generating a display-ready video signal based on recorded signal to display on the viewfinder 42.

In re page 3, Applicants argue that the invention combines the display-ready video signal with GUI, as shown in Figures 30-43, using the graphic controller 58 in the video camera. This

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combined GUI video data is then sent to the display device. By contrast, McNelley does not disclose transmitting the video data combined with the GUI data (Column 4, Lines 31-40).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the invention combines the display-ready video signal with GUI, as shown in Figures 30-43, using the graphic controller 58 in the video camera. This combined GUI video data is then sent to the display device) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In this case, regarding claims 2 and 7, these claim recite "a graphic user interface capability". The Examiner considers that the feature "a graphic user interface capability" is still disclosed by McNelley (column 4, lines 31-46, figure 2).

In re page 3, Applicants argue that Applicants disagree and believe the present invention's use of the moving state detecting means in a remote control for directing a pointer in a remote display is not well known in the art.

In response, regarding claim 11, note that this feature is not recited in claim 11. The Applicants claimed claim 11 with the claim limitation "moving state detecting means for detecting self-movements of the commander brought about by the user." The Examiner still considers that a detector which detects the movement of a device is well known in the art. For example, Kitajima discloses a detector which detects a moving speed of the camera caused by hand movement of the camera operator (see abstract).

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In re page 4, Applicants argue that Applicants disagree with the Examiner that Figures 3A-3G disclose moving "said pointer unidirectionally" as claimed.

In response, regarding claims 12 and 26, the Examiner considers that Figures 3A-3G in Blades et al. show the pointer 303 can move in all direction at different time. However, pointer 303 can only move in one direction (unidirectionally) at any one given time. At any one given time, the pointer can not move more than one direction. Therefore, the Examiner considers that Figures 3A-3G in Blades et al. also show the pointer 303 move unidirectionally.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8, 13, 14, 17, 19-23, 29, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawthorne (US 4,672,436) in view of McNelley et al. (US 5,550,754).

Regarding claims 1, Hawthorne discloses an integrated camcorder viewing and support system comprising video camera, disclosed as camcorder 22 (figure 1, column 4, line 10); image pickup means (camcorder 22; figure 1, column 4, line 10); transmitting, disclosed as cable 18 (figure 1). The camcorder 22 pickup an image and then transmit via cable 18 to display on viewfinder 42 (a portion of head set unit 16), (figure 1, column 4, lines 1-25). This shows that

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recording and reproducing means; image storing means; display-ready video signal generating means; controlling means are inherently included in camcorder 22; display device, disclosed as viewfinder headset unit 16 (figure 1, column 4, lines 1-10); receiving means (cable 18; column 4, lines 1-10); displaying means, disclosed as viewfinder 42 (figure 1, column 4, lines 24-25). Hawthorne fails to specifically disclose a receiving means; an operation mode setting switch; a commander which includes a microphone, command information storing means, command information generating means, transmitting means. However, McNelley et al. disclose a teleconference camcorder which comprises a separate handset unit 174 (commander) that includes microphone 176; antenna 174 (transmitting means). The handset 174 transmits and receives information through antenna 194 (figures 8-9, column 7, lines 38-67). McNelley et al. also disclose the telecamcorder could be operated in either teleconferencing mode or camcorder mode (column 6, lines 50-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Hawthorne by the teaching of McNelley et al. in order to obtain a device which make videoteleconferencing less expensive and more convenient, namely, a specially-devised portable video recorder that can be used as a regular recording video camera and as a teleconferencing terminal (column 1, lines 5-10).

Regarding claim 2, Hawthorne discloses wherein said video camera (camcorder 22) and said display device (viewfinder headset unit 16) are separate entities (figure 1).

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Regarding claim 3, Hawthorne discloses wherein said display device is so shaped as to be worn by the user on the head (headset unit 16, figure 1).

Regarding claim 4, McNelley et al. disclose wherein said commander (handset unit 174) and said video camera (camera 102) are separate entities (figure 8).

Regarding claim 5, all the limitations are contained in claims 2, 4. Therefore, see Examiner's comments regarding claims 2, 4.

Regarding claims 6, 21, McNelley et al. disclose wherein a signal transmission is performed by a wireless transmission system (the handset 174 transmits and receives cordless phone signals through an integral antenna 194, figure 8, column 7, line 65 through column 8, line 10).

Regarding claims 7, 22, McNelley et al. disclose graphic user interface (GUI, column 4, line 31-40).

Regarding claims 8, 23, Hawthorne discloses camcorder 22 pickup an image and then transmit via cable 18 to display on viewfinder 42 (a portion of head set unit 16), (figure 1, column 4, lines 1-25). This shows that recording and reproducing means; image storing means; display-ready video signal generating means; controlling means are inherently included in camcorder 22, and controlling means controls image storing means and display-ready video signal generating means.

Regarding claim 13, McNelley et al. discloses holding means (camera boom 156, figure 8, column 6, lines 35-58).

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Regarding claim 14, McNelley et al. discloses camera boom 156 may be pointed to any direction in either teleconferencing mode or camcorder mode (column 6, lines 52-56).

Regarding claims 17, 29, Hawthorne and McNelley et al. fail to disclose controlling means accepts a specific part of the information received by said receiving means and ignores the remainder of the received information. However, Hawthorne discloses camcorder 22 pickup an image and then transmit via cable 18 to display on viewfinder 42 (a portion of head set unit 16), (figure 1, column 4, lines 1-25). It would have obvious that camcorder 22 only accepts a specific part of the information received from receiving means to transmit the image to viewfinder 42 in order to let the user to view the desired image.

Regarding claims 19, 30, Hawthorne and McNelley et al. fail to specifically disclose wherein said recording medium is a disk-type storage medium. However, it is so notorious well known in the art to use a floppy disk as a storage medium.

Regarding claim 20, all the limitations are contained in claim 1. Therefore, see Examiner's comments regarding claim 1.

5. Claims 9-12, 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawthorne (US 4,672,436) in view of McNelley et al. (US 5,550,754) further in view of Blades et al. (US 5,990,888).

Regarding claims 9, 24, Hawthorne and McNelley et al. fail to specifically disclose generating a pointer constituting part of said graphic user interface capability on the basis of said

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image information. However, Blades et al. disclose a method and system for manipulating graphical objects which includes GUI 300 and pointer 303 (figures 3A-3G, column , lines 10-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Hawthorne and McNelley et al. by the teaching of Blades et al. in order to let the user can manipulate graphics objects and update data structures (column 1, lines 10-12).

Regarding claims 10, 25, Blades et al. disclose controlling said pointer within a frame (figures 3A-3G).

Regarding claim 11, Hawthorne and McNelley et al. fail to specifically disclose moving state detecting means for detecting self-movements of the commander. However, it is well known in the art to include a detector into the system to detect the movement of the commander.

Regarding claims 12, 26, Blades et al. disclose controlling means moves said pointer only unidirectionally (figures 3A-3G).

6. Claims 15-16, 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawthorne (US 4,672,436) in view of McNelley et al. (US 5,550,754) further in view of Anderson et al. (US 6,249,316).

Regarding claims 15, 27, Hawthorne and McNelley et al. fail to specifically disclose an image pickup mode and an edit mode. However, Anderson discloses a digital camera which the user can press photo button 404 to capture image (image pickup mode, figure 6, column 4, lines

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60-65), and the user also can edit the captured image (figure 6, column 5, lines 24-33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Hawthorne and McNelley et al. by the teaching of Anderson et al. in order to let the user taking and editing captured image.

Regarding claims 16, 28, Anderson et al. disclose a standby mode (viewfinder mode, column 4, lines 54-65); recording mode (save key, figure 5, column 5, lines 25-34).

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hawthorne (US 4,672,436) in view of McNelley et al. (US 5,550,754) further in view of Nakamura et al. (US 5,008,756).

Regarding claim 18, Hawthorne and McNelley et al. fail to specifically disclose said display device includes a microphone. However, Nakamura et al. disclose headset 5 composed of a microphone (figure 1, column 1, lines 20-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Hawthorne and McNelley et al. by the teaching of Nakamura et al. in order to let the cameraman to communicate with the studio (column 1, lines 24-25).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Luong Nguyen** whose telephone number is (703) 308-9297. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reach on (703) 305-4929.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

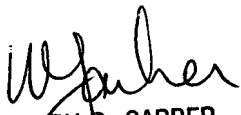
or faxed to:
(703) 872 - 9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA., Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

LN LN
5/28/2002


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600